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NOTES OF CASES.

Petition for Removal under Federal Employers' Liability Act.—It was held in *Calhoun v. Central of Georgia R. Co.*, 67 S. E. 274, that a petition for removal to a Federal court in which the only recital of jurisdictional facts made by the defendant in assertion of a right for removal, as it appears from its petition to remove, is as follows: "That the above-stated case arises under the act of Congress approved April 22, 1908, entitled 'An act relating to the liability of common carriers by railroad to their employees in certain cases,' and that the matter and amount in dispute in said suit exceeds, exclusive of interest and costs, the sum of \$2,000, and that said suit is of a civil nature at law," is sufficient; it appearing from such statements of the petition that the plaintiff's right, if any, is wholly dependent upon an act of congress for its enforcement. This decision is important not only because of the great number of requests for removal that must necessarily arise under the act of congress of 1908, commonly denominated as the Employers' Liability Act, but because it seems to virtually overrule the decision in *Miller v. Illinois Central R. Co.*, 168 Federal 982; *Nelson v. Southern R. Co.*, 172 Federal 478.

Telephonic Communications in Evidence.—While the authorities are not in accord upon the point whether one who answers a telephone call from the place of business of the person called for, and undertakes to respond as the agent, is presumed to speak for him in respect to matters of the general business carried on by such person at that place, the supreme court of South Carolina in *Gilliland v. Southern Ry. Co.*, 67 S. E. 20, holds that the weight of reason and authority is in favor of such presumption. The court in this case, in an able and luminous opinion, discusses the nature and limitations of this presumption. It was said: Those who install telephones in their places of business in connection with a telephone exchange, and use them for business purposes, impliedly invite the business world to use that means of communicating with them with respect to the business there carried on; and the presumption is that they authorize communications made over the telephone in ordinary business transactions. The reason is the same as that for the presumption that a business letter, properly directed, and sent by mail, reaches the business office of the addressee, and is opened by him or his authorized agent. The presumption that the person who answers is authorized to speak may be very slight or strong, according to the circumstances, but the statements of such persons should be admitted in evidence as *prima facie* the statements of one having authority to speak. It is important to observe that the presumption extends only to communications relating to the usual business carried on at the place from which the telephone communication comes. To illustrate